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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,196	01/26/2007	John A. Gelardi	CPG 03-15 MB	4380

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MEADWESTVACO CORPORATION  
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1021 Main Campus Drive  
Raleigh, NC 27606

EXAMINER
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GRANO, ERNESTO ARTURIO

ART UNIT	PAPER NUMBER
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3728

NOTIFICATION DATE	DELIVERY MODE
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03/24/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketadministrator@mwv.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,196	<b>Applicant(s)</b> GELARDI ET AL.	
	<b>Examiner</b> ERNESTO A. GRANO	<b>Art Unit</b> 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/10/2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,6,8-10,13,14 and 17-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8,9 and 19-22 is/are allowed.
- 6) ☒ Claim(s) 1,6,10,13,14,17,18 and 23-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/04/2008</u>  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Receipt is acknowledged of Applicant's amendment filed on 04/17/2008.
  - Claims 2-5, 7, 11-12, and 15-46 were canceled.
  - Claims 23-33 were added.
  - Claims 1, 6, 8-10, 13-14, and 17-33 are presented for examination.
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it is not on a separate sheet. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

4. The previous 35 USC 112 rejection of claims 1, 6, 8-9, 14 and 17-22 are withdrawn in light of Applicant's Amendment to the Specifications.

5. Claim 33 is objected to because of the following informalities: On page 8, there are two claims that are numbered 33. For the purpose of examination, the examiner presumes that the claim following claim 34 reads "claim 35". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The previous 35 USC 112 rejection of claims 1, 6, 8-9, 14 and 17-22 are withdrawn in light of Applicant's Amendment to the Specifications.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 8-9, 13-14, 17-25, and 27 are finally rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14, line 5, the phrasing is indefinite, as it is unclear how one item is in more than one blister. The phrasing should be --at least one item positioned within a respective blister--. In line 6, "said items" is inconsistent with line 5 and should be --said

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at least one item--. In line 7, "said, respective, blisters"(sic?) lacks antecedent basis and should be --its respective blister--.

Claim 19, line 4, "said case" lacks antecedent basis. In lines 10-11, "a given receiver" is indefinite, as one detent only engages a respective receiver by disclosure, so the phrasing should be --a respective given receiver--. In line 12, "said detent" lacks antecedent basis and should be --one said detent--, and subsequent references in lines 13, 14, 15, 16 and 17 should be --said one detent--. See also claims 8 and 9, line 2 of each. In line 13, "said detent receiver" lacks antecedent basis for particularity and as a term, and should be --its respective receiver-- to indicate the relationship between the particular detent and particular receiver. In lines 17-18, "said given receiver" should be --said respective given receiver--. See also claims 8 and 9, line 2 of each.

Claim 21, lines 11-12, "for engaging said first receiver aperture" is indefinite, as multiple detents do not engage a single first receiver aperture, nor does one first receiver aperture have antecedent basis. The phrasing should be --a respective said at least one first receiver aperture--. Such should also be corrected in lines 13-14, 16 and 20. In line 13, "said detent" lacks antecedent basis and should be --said at least one detent--. Such should also be corrected in lines 14, 20 and 21.

Claim 13 recites "said retainer" in line 1, which is inconsistent with parent claim 10 and should be --said at least one retainer--. The claim further recites the limitation "inwardly-extending second appurtenant" in line 2. There is not an inwardly-extending first appurtenant. There is insufficient antecedent basis for this limitation in the claim.

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Claim 23 recites the limitation "said detent" in lines 1-2 and 2. It is unclear which detent is being referred to, the "at least one detent" or "a given detent". Also in line 2, "said engaged receiving aperture" is inconsistent or lacks antecedent basis, as no "engaged" disposition is positively defined.

Claim 24 recites the limitation "a given receiving aperture" in line 3. It is unclear if the aperture is another aperture or the same "given receiving aperture" of claim 1.

Claim 25, line 2 recites 'said interlocked receiving aperture", which is inconsistent or lacks antecedent basis, as no "interlocked" disposition is positively defined.

Claim 27 recites the limitation "said detent" in lines 3(twice), 5 and 6. This is indefinite and should be – said at least one detent--.

### ***Claim Rejections - 35 USC § 102***

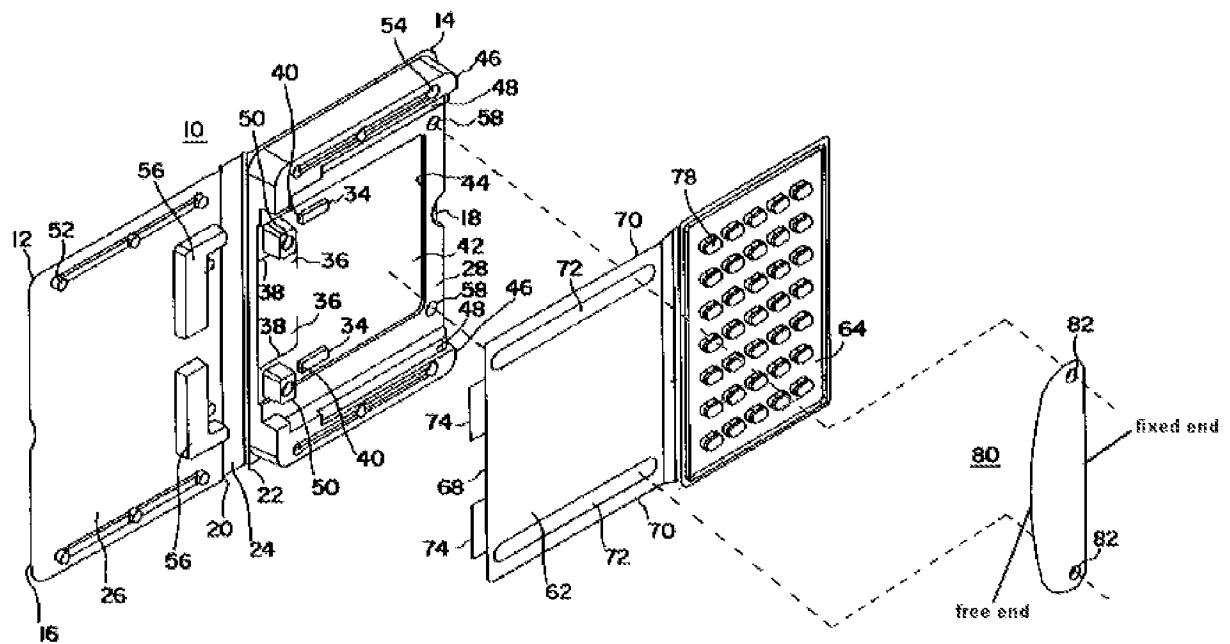
9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 6, and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Buss (US 6,349,831).



In re claim 1, Buss discloses a storing and dispensing system, comprising: a blister card 62/64 holding items 90 to be dispensed, said card comprising at least one receiving aperture 72; a case 10 defining a void therein; and at least one detent extending from the case 10 toward said void, a given detent 52 being configured for engaging a given receiving aperture 54.

In re claim 6, Buss as applied to claim 1 above, discloses wherein said card holds consumable medicaments 90.

In re claim 23, Buss as applied to claim 1 above, discloses a release 18 and 16 proximate to said given detent configured to disengage said engaged given receiving aperture 54 and said given detent 52.

In re claim 24, Buss as applied to claim 1 above, discloses a retainer 82 located within said void having a fixed end and a distal free end, said free end configured to

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interlock with a given receiving aperture 58 and interrupt the separation of said card 62/64 from the case 10.(see column 4, lines 47-64)

11. Claims 10, 13, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Buss (US 6,349,831).

In re claim 10, Buss discloses a child-resistant apparatus, comprising: a case 10 including opposite sides 26 and 28 and a closed end 24, the opposite sides 26 and 28 and the closed end 24 together defining a void for receiving a blister card 62/64 holding items, the case 10 further defining an open end 86 opposite said closed end 24; at least one detent 34 positioned within said void to engage said card 62/64 in a first, substantially received, position; and at least one retainer 58 extending from the case and, further, being positioned within said void to engage said card 62/64 in a second, substantially extended, position.

In re claim 13, Buss as applied to claim 10 above, discloses wherein said retainer comprises a releasable, inwardly-extending second appurtenant 34. (see figure 1 above)

In re claim 27, Buss as applied to claim 10 above, discloses at least one inwardly-extending appurtenant 56 disposed within said void adjacent to said detent 34 so as to exert a compressive force to urge said card 62/64 to engage said detent 34 when said card 62/64 is in said first position; and a release 36, integral to said case and proximate to said detent 34, configured to disengage said card 62/64 from said detent 34.



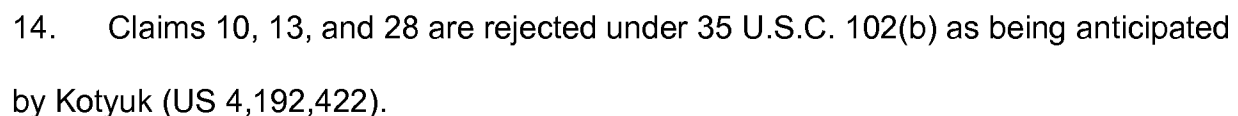
12. Claims 14, and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Buss (US 6,349,831).

In re claim 14, Buss discloses a blister card 62/64 configured for use with a child-resistant blister card receiving case, the card 62/64 comprising: a first side having a plurality of pliable blisters 78 configured to receive items 90; at least one item positioned within at least one blister; a breakable sealant affixed to a second side and securing said items in said, respective, blisters. (see figure 8)

In re claim 17, Buss as applied to claim 14 above, discloses wherein the blister card 62/64 is capable of having a first position comprises said card 62/64 substantially enclosed within a case, if placed in a case.

In re claim 18, Buss as applied to claim 14 above, discloses wherein the blister card 62/64 is capable of having a second position comprises said card 62/64 substantially extended beyond said case, if placed in a case.

13. Claims 1, 6, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kotyuk (US 4,192,422).



In re claim 10, Kotyuk discloses a child-resistant apparatus, comprising: a case 92 including opposite sides 106 and 108 and a closed end 96, the opposite sides 106 and 108 and the closed end 96 together defining a void for receiving a blister card 90 holding items, the case 92 further defining an open end 116 opposite said closed end 96; at least one detent 112 positioned within said void to engage said card 90 in a first, substantially received, position; and at least one retainer extending 122' from the case 92 and, further, being positioned within said void to engage said card 90 in a second, substantially extended, position. (see figures 17 above and 18)

In re claim 13, Kotyuk as applied to claim 10 above, discloses wherein said retainer 122' comprises a releasable, inwardly-extending second appurtenant 112(near122'). (see figure 17 above)

In re claim 28, Kotyuk as applied to claim 10 above, discloses wherein a given retainer 112(near122') is a spring element. (see figure 17 above)

15. Claims 14, and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kotyuk (US 4,192,422).

In re claim 14, Kotyuk discloses a blister card 62/64 configured for use with a child-resistant blister card receiving case, the card 62/64 comprising: a first side having a plurality of pliable blisters 78 configured to receive items 90; at least one item positioned within at least one blister; a breakable sealant affixed to a second side and securing said items in said, respective, blisters. (see figure 8)

In re claim 17, Kotyuk discloses wherein the blister card 62/64 is capable of having a first position comprises said card 62/64 substantially enclosed within a case, if place in a case.

In re claim 18, Kotyuk discloses wherein the blister card 62/64 is capable of having a second position comprises said card 62/64 substantially extended beyond said case, if place in a case.

16. Claims 29 -31 and 34 are rejected under 35 U.S.C. 102(a) as being anticipated by Gelardi (WO 2004/037657).

In re claim 29, Gelardi discloses a child-resistant apparatus, comprising: a case 10 including opposite sides 16 and 18 and a closed end, the opposite sides 16 and 18 and the closed end together defining a void for receiving a blister card holding items, the case 10 further defining an open end opposite the closed end; and a spring-biased retainer 56 extending from the case 10 and, further, being positioned within the void to be capable of engaging a card in a substantially extended position if a card is being held.

In re claim 30, Gelardi discloses a card 12, wherein the card 12 includes a receiving aperture 36 therein, and the retainer 56 is configured for extending through the receiving aperture 34 when the card 12 is in the substantially extended position.

In re claim 31, Gelardi discloses wherein the spring-biased retainer 56 urges the card 12 toward one of the opposite sides when the card 12 is inserted into the void

In re claim 34, Gelardi discloses wherein the locking mechanism 20 is positioned proximate the closed end.

17. Claims 29 and 32-35 are rejected under 35 U.S.C. 102(a) as being anticipated by Gelardi (WO 2004/037657).

In re claim 29, Gelardi discloses a child-resistant apparatus, comprising: a case 10 including opposite sides 16 and 18 and a closed end, the opposite sides 16 and 18 and the closed end together defining a void for receiving a blister card holding items, the case 10 further defining an open end opposite the closed end; and a spring-biased retainer 46 extending from the case 10 and, further, being positioned within the void to be capable of engaging a card in a substantially extended position if a card is being held.

In re claim 32, Gelardi discloses a card 12 and a locking mechanism 20, wherein the spring-biased retainer 46 urges the card in a direction of the locking mechanism 20, wherein the locking mechanism 20 is operable to prevent movement of the card to an extended position. (see figure 8)

In re claim 33, Gelardi discloses wherein the card 12 is movable to a position so that the locking mechanism 20 no longer prevents movement of the card to an extended position.

In re claim 34, Gelardi discloses wherein the spring-biased retainer 46 is positioned proximate the open end.

In re claim 35, Gelardi discloses wherein the locking mechanism 20 is positioned proximate the closed end. (see figure 15)

### ***Allowable Subject Matter***

18. Claims 19 and 21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. This also pertains to their dependent claims 8-9, 20 and 22.

19. Claim 25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

20. Applicant's arguments with respect to claims 1, 10, and 14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Raj et al. (US 6,523,691) and Gelardi (US 6,863,175) both disclose similar storing and dispensing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERNESTO A. GRANO whose telephone number is (571)270-3927. The examiner can normally be reached on 7:00am - 4:00pm Mon.-Thur..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bryon P. Gehman/  
Primary Examiner, Art Unit 3728

/Ernesto A Grano/  
Examiner  
Art Unit 3728

EAG